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Social and human rights questions: advancement of women

Letter dated 20 June 2003 from the Permanent Representative of Spain to the United Nations addressed to the President of the Economic and Social Council

I have the honour to transmit to you herewith the main points which the Working Group on the Future Operation of the International Research and Training Institute for the Advancement of Women (INSTRAW) believes should be taken into account in the amendment of the statute of INSTRAW, which will take place during the next session of the Economic and Social Council, to be held in Geneva in July 2003, under item 14 (a) of the provisional agenda (see annex).

I should also be grateful if appropriate steps could be taken to have this note, which I am submitting on behalf of the Working Group, translated into the six official languages of the United Nations and circulated as a document of the United Nations in the meetings of the Council.

(*Signed*) Inocencio F. **Arias**

* E/2003/100.

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Annex to the letter dated 20 June 2003 from the Permanent Representative of Spain to the United Nations addressed to the President of the Economic and Social Council

Recommendations of the Working Group on the Future Operation of the International Research and Training Institute for the Advancement of Women

Note by the Chairman of the Working Group*

I. Background

1. The Working Group on the Future Operation of the International Research and Training Institute for the Advancement of Women (INSTRAW) was established by the General Assembly pursuant to its resolution 56/125 of 19 December 2001 and is composed of 11 members: Bangladesh, Burkina Faso, the Czech Republic, the Dominican Republic (host country), El Salvador, the United States of America, Mongolia, Slovakia, Spain, Uganda and Venezuela.

2. In compliance with its mandate, the Working Group on the Future Operation of INSTRAW presented a report to the General Assembly during its fifty-seventh session, containing a series of recommendations aiming at revitalizing and strengthening the Working Group (see A/57/330), which were endorsed by the Assembly in its resolution 57/175 of 18 December 2002.

3. Furthermore, the General Assembly decided to extend the mandate of the Working Group for the follow-up of the implementation of the measures referred to in paragraph 2 of its resolution 57/175 in close consultation with the Secretary-General (para. 3); and to submit a preliminary report to the Commission on the Status of Women, during its forty-seventh session, as well as a final report on the matter to the General Assembly during its fifty-eighth session (para. 8).

4. In compliance with its mandate, the Working Group presented a preliminary report to the Commission on the Status of Women during its forty-seventh session (A/AC.266/1). In that report, the Working Group pointed out that to enable INSTRAW to fulfil its mandate, the Economic and Social Council should consider amendments of the statue of the International Research and Training Institute for the Advancement of Women.

5. Consequently, the Commission on the Status of Women adopted the draft decision submitted by the Chairperson of the Commission on the basis of informal consultations (E/CN.6/2003/L.7), in which the Commission recommends that the Economic and Social Council review the report of the Working Group (A/57/330 and Add.1) under the appropriate agenda item of its 2003 substantive session.

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* In compliance with the mandate of the Working Group on the Future Operation of INSTRAW, the Permanent Representative of Spain to the United Nations, Ambassador Inocencio F. Arias, Chairman of the Working Group, is submitting the present note to the Economic and Social Council.

II. Recommendations of the Working Group

6. In accordance with the report of the Working Group (A/57/330), adopted by the General Assembly in its resolution 57/175, paragraph 57 (a) mandates the Economic and Social Council to amend the statute of INSTRAW as per paragraphs 52, 53 and 55 of the report. These paragraphs refer specifically to the autonomous status of INSTRAW, the Board of Trustees and financing of INSTRAW.

III. Implementing recommendations of the Working Group

7. Having in mind the mandate of the General Assembly contained in resolution 57/175 to modify the statute of INSTRAW during the substantive session of 2003 of the Economic and Social Council, according to paragraphs 52, 53 and 55 of the report of the Working Group (A/57/330), the Working Group on the Future Operation of the International Research and Training Institute for the Advancement of Women proposes that the Economic and Social Council consider and amend the following articles:

(a) Article I (Statute and purposes)

According to the current text of the statute of INSTRAW, this is an autonomous institution within the framework of the United Nations system. The Director shall have overall responsibility for the organization and administration of the Institute in accordance with general directives by the Board of Trustees and within the terms of the authority delegated to the Director by the Secretary-General. The Director shall, inter alia, submit the work programmes and the budget estimates of the Institute to the Board for its consideration and adoption.

However, these important functions and responsibilities delegated to the Director by the Secretary-General had been adopted, de facto, by the Secretariat of the United Nations through the Special Adviser of the Secretary-General on Gender Issues and the Advancement of Women (see A/57/330, para. 13) and by the Office of the Controller of the United Nations (ibid., para. 28).

In this regard, the Working Group proposes to ensure that the Director really has overall responsibility for the organization and administration of the Institute in accordance with general directives by the new Executive Board that member States will compose as proposed in the following paragraphs.

(b) Article III (Board of Trustees)

According to the current text of the statute of INSTRAW, a Board of Trustees, composed of 11 members nominated by member States and appointed by the Economic and Social Council, governs all its work and activities. The members of the Board serve in their individual capacities for a term of three years from the date of their appointment.

A representative of the Secretary-General, the Director of the Institute, a representative of each of the regional commissions of the Economic and Social Council and a representative of the host country serve as ex officio members of the Board.

In this regard, the Working Group proposes the following amendments: (1) to transform the Board of Trustees into the Executive Board and, consequently, change the name of the Board of Trustees to the Executive Board and make this change throughout the whole text of the statute of INSTRAW; (2) the Executive Board shall be composed of 11 member States, in conformity with the principle of equitable geographical distribution, similar to the current composition of the Working Group on the Future Operation of the International Research and Training Institute for the Advancement of Women; (3) the members of the Executive Board shall be elected by the Economic and Social Council and shall serve in their national capacities for a term of three years; (4) the Executive Board shall meet in an annual session, at such time and duration as it determines, at the Headquarters of the United Nations in New York. The Executive Board may hold special sessions in addition to the regular sessions, with the agreement of the Economic and Social Council; (5) the current functions of the Board of Trustees shall be reviewed in light of the new role of the Executive Board, in particular the appointment of the Director of INSTRAW. The Secretary-General shall appoint the Director of INSTRAW from a pool of three candidates proposed by the Executive Board.

(c) Article IV (Director and staff)

According to the current text of the statute of INSTRAW, the Secretary-General of the United Nations shall appoint the Director, after consultation with the Board of Trustees.

In this regard, the Working Group proposes that the Director shall be appointed by the Secretary-General of the United Nations from a pool of three candidates proposed by the Executive Board.

According to the current text of the statute of INSTRAW, the staff of the Institute shall be appointed by the Director on behalf of the Secretary-General and in accordance with the modalities established by the Secretary-General within the staffing table approved by the Board.

In this regard, the Working Group proposes that the staff of the Institute, including a Deputy Director (in line with paragraph 57 (e) of the report of the Working Group (A/57/330)), shall be appointed by the Director on behalf of the Secretary-General and in accordance with the modalities established by the Secretary-General within the category of staff modified as appropriate by the Executive Board.

According to the current text of the statute of INSTRAW, the terms and conditions of service of the Director and the staff shall be those provided in the Staff Regulations and Rules of the United Nations, subject to such arrangements for special rules or terms of appointment as may be approved by the Secretary-General.

In this regard, the Working Group proposes that the terms and conditions of service of the Director and the staff shall be those provided in the Staff Regulations and Rules of the United Nations, subject to such arrangements for special rules or terms of appointment as may be approved by the Secretary-General, and that the decision to retain, confirm or replace the Director shall be adopted by the Secretary-General after consultation and decision of the Executive Board.

According to the current text of the statute of INSTRAW, the Director is the only one who actively seeks appropriate funding for the implementation of the work programme of the Institute.

In this regard, the Working Group proposes that the Director could delegate, including to the Deputy Director, the responsibility actively to seek appropriate funding for the implementation of the work programme of the Institute.

(d) With regard to paragraph 55 of the report of the Working Group (A/57/330), the Working Group proposes that the Economic and Social Council decide to submit to the General Assembly the debate and any possible decision on this matter, during its fifty-eighth session, before the final report that would be presented by the Working Group on the Future Operation of the International Research and Training Institute for the Advancement of Women, in accordance with General Assembly resolution 57/175.

IV. Conclusion

In accordance with all these recommendations, the Working Group proposed that the Economic and Social Council should adopt a resolution in order to achieve those changes, which would allow the Institute to achieve its mandate properly.